

Executive Secretary

October 13, 2014

National Labor Relations Board

1099 14<sup>th</sup> Street NW

Washington DC 20570-0001

Mr. Secretary,

Pursuant to 102.67 of the NLRB Rules and regulations, the NLJSP (Petitioner/Appellant) requests an expedited review and offers a prayer for an Order for an immediate directed election in a remand to Region Four in case 04-RC-137867 **Allied Barton**. We believe there was a deficient CBA in the instant case as we maintain the same beliefs in 04-RC-131132 **Allied Barton** and we seek a consolidation of these two RC cases.

The Unions, the Employer and the suspect CBA which Petitioner contends should not bar an election and the legal reasoning of the Petitioner are identical in both cases. The RD of Region four uses the same cite **Stay Security 311 NLRB 252 (1993)** to dismiss both cases. These cases are completely identical except for location. The case 04-RC-13112 is for bargaining unit contract security personnel on the campus of Drexel University and 04-RC-137867 is for bargaining unit personnel on the campus of the University of Pennsylvania within blocks of each other..

The Petitioner/Appellant believes there is a substantial question of law or policy inherent in the practice of the RD of Region Four in administratively dismissing the RC Petition in the instant case.

The idea that the suspect CBA is valid until September 30, 2016 and acts as bar to the instant petition has no basis in fact .The fact that the RD of Region Four felt no reason to have these issues examined at Hearing militates for direct action by the Board and an immediate order for an election in the petitioned for unit in a remand to Region Four.

The Petitioner/Appellant, the National League of Justice and Security Professionals, (NLJSP) maintains as we did in our 04-RC-131132 proffer to Region Four a belief that the RD should have looked to an entirely different standard as to whether the contract bar applied in the instant case. There are settled exceptions to the contract bar and two noted in

our proffer to the RD of Region Four was whether the CBA between the Employer and the party at interest SEIU 32 BJ (1) stabilized sufficiently the bargaining relationship. We claim it does not and (2) whether the SEIU 32 BJ CBA contains an illegal Union Shop provision. We claim it does.

The suspect CBA in the instant case is a multi-employer, multi-location document that contains no mention of the petitioned for employees or their wages. It is not the result of any signed documents between any of the Employers in any association or industry group but rather a series of four separate Employers with no relationship except as competitors. This series of four contracts is stapled to one and meant to establish the primacy if not the exclusivity of the SEIU in the Philadelphia market for security officers without entering into an agreement with an industry association. It does not stabilize and indeed makes more unequal the bargaining relationship which a CBA is supposed to stabilize and work to empower workers. This CBA is an anti-union anti-democratic device meant only to ensure the collection of dues. It does not stabilize the bargaining relationship and should not bar an election in the petitioned for unit.

The CBA referred to in the instant case establishes a jurisdiction that is overly broad and when coupled with four interlocking Union Security clauses prevents a person in Philadelphia from pursuing his chosen profession without the yoke of membership in SEIU 32BJ. Security Providers are in a competitive business and contracts change hands and if under this broad jurisdictional scheme in the CBA no matter which of the four companies he is employed, the professional security officer will be in SEIU 32 BJ.

SEIU 32BJ is a mixed guard union and this Philadelphia Security Officer will never have a chance to express his preference because the Board is barred from making a decision about an “appropriate unit” for either an RC, RD or UD election. The jurisdiction of a vast American city coupled with the 9(b)(3) rules have invalidated the individual Article 7 rights of any Philadelphia Security Officer. That is an overly-broad and hence Illegal Union Shop and hence no bar to an election.

The Petitioner/Appellant (NLJSP) offers these points upon which the Board should ponder and base a clearly well founded reversal of the Regional Director's decision to dismiss without processing the instant case.

The Petitioner/Appellant prays for an expedited Review and an order directing the Regional Director to conduct an immediate election in the instant case. This was served on all parties by email and this appeal filed on NLRB e-file.

Ronald A. Mikell for the Petitioner/Appellant

National League of Justice and Security Professionals

Ronald A, Mikell , President

*Ronald A. Mikell*